

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Allamanche et al.

Serial No. 09/914,371

Filed: August 24, 2001

For: Device and Method for Producing an
Encoded Audio and/or Video Data Stream



Attorney Docket No. SCHO0064

Group Art Unit: Not Assigned

Examiner: Not Assigned

Assistant Commissioner for Patents
Washington, DC 20231

PETITION BASED UPON UNAVAILABILITY OF INVENTOR
(37 CFR § 1.47/MPEP 409.03)

RECEIVED
08 JAN 2002
Legal Staff
International Division

Sir:

- 1 Applicant petitions pursuant to 37 CFR §1.47 that the examination of the above-identified patent application proceed in the absence of a Declaration signed by the inventor therein.
- 2 Diligent effort was made to reach the inventor Niels Rump.
- 3 This action is necessary to prevent irreparable damage and to preserve the rights of the parties.
- 4 The last known address of the inventor is Brückenstrasse 13, D-91056 Erlangen Germany.
- 5 The fee set forth in 37 CFR 1.17 (i) accompanies this petition.

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Respectfully submitted,

A handwritten signature in black ink, appearing to be "Michael A. Glenn".

Michael A. Glenn
Reg. No. 30,176

Customer No. 22862

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DECLARATION OF FRITZ SCHOPPE

Sir:

I, Fritz Schoppe, declare the following:

1. I am an attorney for Schoppe, Zimmerman, Stöckler & Zinkler, an Intellectual Property law firm in München, Germany. I am responsible for obtaining inventor signatures of all patent applications.
2. Diligent effort was made to reach the inventor Niels Rump.

In particular, a letter was mailed to Niels Rump at his last known address of Brückenstrasse 13, D-91056 Erlangen Germany on 27 June 2001 which included a Declaration and Assignment. Please see the enclosed copy of the letter. The package was returned by mail stating 'Address Unknown'. Please see the copy of the label enclosed herewith.

On 2 July 2001, a letter was mailed addressed to the family of Mr. Rump at the same address. This letter was also returned stating 'Address Unknown'.

A request has been submitted with the residence registration office in Erlangen in an attempt to locate Mr. Niels Rump. The request revealed nothing else as the last known address in Erlangen.

Also, a request was submitted with the telephone inquiry office, which revealed that Mr. Niels Rump was not registered in Erlangen.

3. At the time the application was filed, Applicant had a good faith belief that the inventor would be available and would therefore sign the Declaration and the Assignment. Subsequent attempts to communicate with the inventor and to obtain the inventor's signature have proved fruitless. Accordingly, Applicant has made a bona fide attempt to comply with the provisions of 37 CFR § 1.47.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: 11/26/01



FRITZ SCHOPPE